

APPENDIX A

CORRESPONDENCE LETTERS

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

November 22, 2002

Certified Mail
Return Receipt Requested

4WD-FFB

Daniel H. Wilken
Assistant Manager for Administration
U.S. Department of Energy
Oak Ridge Operations Office
P.O.Box 2001
Oak Ridge, Tennessee 37831

SUBJECT: Concurrence with Identification of Uncontaminated Property (Parcel G) for
Transfer Purposes under CERCLA § 120(h)(4)(B)

Dear Mr. Wilken:

In response to your letter of October 23, 2002, The Environmental Protection Agency (EPA) hereby concurs with the Department of Energy's (DOE) identification of Parcel G as uncontaminated property, in accordance with § 120(h)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

Based on DOE's October 23, 2002 supplemental information regarding Merak Spring; the newly collected swine waste pond surface water and sediment samples; the Tennessee Department of Environment and Conservation (TDEC) walkover survey; EPA's site visit; the information provided in "Comprehensive Environmental Response, Compensation, and Liability Act Section 120(h) Report for Parcel G, Oak Ridge, Tennessee" (June 2002); and the data collected during the Remedial Investigation/Feasibility Study (RI/FS) and Record of Decision (ROD) for the South Campus Facility, EPA believes Parcel G is properly classified as "uncontaminated" as that term is used in CERCLA § 120(h)(4).

This conclusion is based on the following: Historical records, aerial photographs, and former site worker interviews indicated that Parcel G was utilized to hold animals in a clean and uncontaminated environment prior to being transported to the experiment station at South Campus Facility. The information also indicated that there is no reason to believe that hazardous substances were stored, released, or disposed of on any portion of Parcel G. EPA's site visit

verified information submitted by DOE pertaining to the condition of the property to be accurate. The RI/FS and ROD for the South Campus Facility found nothing of concern on Parcel G. Groundwater samples around the swine waste ponds revealed contaminants at levels of no concern. Groundwater samples in Merak Spring, located outside of the property boundaries of Parcel G and south of the swine waste ponds revealed the presence of TCE. As discussed in the supplemental information package, the presence of that TCE was attributed to the TCE plume under the South Campus facility. The levels of TCE do not pose a significant risk to human health or the environment with respect to Parcel G. The flow patterns do not indicate a likelihood that the TCE would ever reach Parcel G, but rather would discharge into the surface water of Scarboro Creek at points outside of Parcel G. (While there is no concern with respect to Parcel G, EPA will, however, be revisiting the Monitoring and Natural Attenuation remedy in place at the South Campus facility to determine the effectiveness of the remedy with concerns based on the migration of TCE to a distance far removed from the plume and the discharge to surface water.) The newly submitted swine waste pond surface water and sediment data from TDEC revealed no contaminants at levels of concern. TDEC also reported that the radiological walk over survey found nothing.

EPA understands from earlier discussions with TDEC and DOE, that DOE intends to address TDEC's concern that groundwater restrictions be put in place via a deed restriction on the use, including no withdrawal, of groundwater on the property.

Consistent with the three-party Oak Ridge Reservation Federal Facility Agreement (FFA) the transfer documents between DOE and the transferee must contain notice of the existence and purpose of the FFA (Section XLIII-Property Transfer). Furthermore, the deed of transfer must contain certain covenants as specified in CERCLA § 120(h)(4)(D), one of which grants the United States continued access for any future remediation requirements, including those necessary to fulfill DOE's obligations under the FFA.

If you have any questions regarding this uncontaminated property determination concurrence, please call me at **404-562-8288**.

Sincerely,



Lila Llamas
Remedial Project Manager

cc: Doug McCoy, TDEC
Dave Adler, DOE
Local Oversight Committee
Oak Ridge SSAB
City of Oak Ridge



STATE OF TENNESSEE

DON SUNDQUIST
GOVERNOR

November 26, 2002

James A. Turi
Acting Manager
United States Department of Energy
Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831

12/2/02

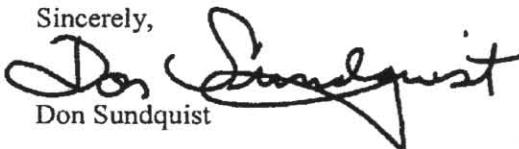
**RE: Comprehensive Environmental Response, Compensation, and Liability Act
Section 120(h) Report For Parcel 279.01, the American Museum of Science and
Energy, and Associated Property in Oak Ridge, Tennessee.**

Dear Mr. Turi:

This letter is to express my approval of the Department of Energy's decision to transfer two parcels, i.e., Parcel 279.01 and the American Museum of Science and Energy, to the City of Oak Ridge.

Based on the information you provided in the *Comprehensive Environmental Response, Compensation, and Liability Act Section 120(h) Report for Parcel 279.01, the American Museum of Science and Energy, and Associated Property in Oak Ridge, Tennessee*, it appears this transfer will comply with the transfer provisions found in CERCLA § 120(h). It is my understanding the concurrence to transfer does not waive or impact in any way the State's right to recover any damages that may have been caused to natural resources.

Sincerely,


Don Sundquist

State Capitol, Nashville, Tennessee 37243-0001
Telephone No. (615) 741-2001



United States Department of the Interior

FISH AND WILDLIFE SERVICE

446 Neal Street
Cookeville, TN 38501

April 16, 2002

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AMESQ

Log No. 57870

Date Received APR 23 2002

File Code _____

Mr. James L. Elmore, Ph.D.
U.S. Department of Energy
Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831

Dear Dr. Elmore:

Thank you for your letter and enclosure of March 7, 2002, transmitting the Biological Assessment (BA) for the proposed transfer of Parcel G to the City of Oak Ridge, Anderson County, Tennessee.

The BA includes an evaluation of potential effects to the Federally endangered gray bat (*Myotis grisescens*) and Indiana bat (*Myotis sodalis*). U.S. Fish and Wildlife Service (Service) personnel have reviewed the BA and offer the following comments for consideration.

The BA is adequate and supports the conclusion of not likely to adversely affect, with which we concur. In view of this, we believe that the requirements of Section 7 of the Endangered Species Act (Act) have been fulfilled and that no further consultation is needed at this time. However, obligations under Section 7 of the Act must be reconsidered if: (1) new information reveals that the proposed action may affect listed species in a manner or to an extent not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered in this biological assessment, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

Our previous comments of February 12, 2002, regarding the Environmental Assessment (EA) for the transfer of the American Museum of Science and Energy, Parcel G, and Parcel 279.01 to the City of Oak Ridge remain valid. We would appreciate receiving a copy of the final EA including the wetlands assessment for Parcel G.

These constitute the comments of the U.S. Department of the Interior in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended: 16 U.S.C. 1531 et seq.). We appreciate the opportunity to comment. Should you have any questions or need further assistance, please contact Steve Alexander of my staff at 931/528-6481, ext. 210, or via e-mail at steven_alexander@fws.gov.

Sincerely,

David Pelton
for

Lee A. Barclay, Ph.D.
Field Supervisor

xc: David Harbin, TDEC, Oak Ridge
Dave McKinney, TWRA, Nashville



TENNESSEE HISTORICAL COMMISSION
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
2941 LEBANON ROAD
NASHVILLE, TN 37243-0442
(615) 532-1550

December 14, 2006

Ms. Katatra C. Vasques
Oak Ridge Operations Office
Post Office Box 2001
Oak Ridge, Tennessee, 37831

RE: DOE, TRANSFER/AMSE TO CITY OF OAK RIDGE, OAK RIDGE, ANDERSON COUNTY

Dear Ms. Vasques:

In response to your request, received on Friday, December 8, 2006, we have reviewed the covenant documents you submitted regarding your proposed undertaking. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicant for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800. You may wish to familiarize yourself with these procedures (Federal Register, December 12, 2000, pages 77698-77739) if you are unsure about the Section 106 process.

Considering available information, we find that the project as currently proposed will NOT ADVERSELY AFFECT ANY PROPERTY THAT IS ELIGIBLE FOR LISTING IN THE NATIONAL REGISTER OF HISTORIC PLACES. Therefore, this office has no objection to the implementation of this project. Please direct questions and comments to Joe Garrison (615) 532-1550-103. You may find additional information concerning the Section 106 process and the Tennessee SHPO's documentation requirements at www.state.tn.us/environment/hist/sect106.shtm.

We appreciate your cooperation.

Sincerely,

Richard G. Tune
Deputy State Historic
Preservation Officer

RGT/jyg